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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		14659	
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		10/813,230	March 31, 2004
		First Named Inventor	
		Alan Frank GRAVES	
		Art Unit	Examiner
		3626	Anita C. MOLINA
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Ralph A. Dowell	
		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 26,868		(703) 739-9888	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34		April 20, 2010	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: U.S. Patent Application of Alan Frank GRAVES *et al.*
Appl. No.: 10/813,230 Art Unit: 3626
Filed: March 31, 2004 Examiner: Anita C. MOLINA
For: INTEGRATED AND SECURE ARCHITECTURE FOR DELIVERY OF
COMMUNICATION SERVICES IN A HOSPITAL

ARGUMENTS TO ACCOMPANY PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
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Commissioner:

Further to the mailing of the Final Office Action on January 20, 2010, the present arguments are being submitted to accompany a Pre-Appeal Brief Request For Review. The Office is respectfully requested to consider the remarks presented herein.

On page 2 of the Final Office Action, the Examiner rejects claims 1, 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication 2004/0068421 to Drapeau *et al.* ("Drapeau") in view of U.S. Patent 5,867,821 to Ballantyne *et al.* ("Ballantyne").

For the reasons presented on pages 20 and 21 of the Applicants' response to the previous Office Action (mailed June 24, 2009), it is respectfully submitted that this rejection cannot stand since Drapeau and Ballantyne, whether taken alone or in combination, fail to disclose or suggest at least one feature of claim 1.

In particular, neither Drapeau nor Ballantyne discloses the claimed "data routing entity being operative to control access by the users at the plurality of delivery points to the healthcare data processing resources and to the non-healthcare data processing resources".

The Examiner concedes that Drapeau fails to teach this feature of claim 1, but contends that “Ballantyne teaches controlling access by users at various access points to a master library that includes access to health care services and entertainment services (see: column 9, 54-67 and column 8, lines 7-64)” and that “[i]t would have been obvious to one of ordinary skill in the art to include in the integrated patient station of Drapeau, the controlled access as taught by Ballantyne because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.”

The Examiner’s contention is unfounded since Ballantyne’s system does not control access by users to the “health care services” and to the “entertainment services”. Rather, Ballantyne’s system controls access to the “health care services”, but does not control access to the “entertainment services”.

This is clear from Ballantyne’s column 7, line 66 to column 8, line 64 as well as column 9, line 50 to column 10, line 23, which include the very excerpts of Ballantyne that are referred to by the Examiner. Specifically, Ballantyne’s system identifies and authenticates “individuals requesting *access to the health record database*” (col. 7, line 67 to col. 8, line 2), i.e., it *controls access to its healthcare data processing resource*. However, Ballantyne’s system neither identifies nor authenticates individuals requesting access to its “entertainment services”, i.e., it does not control access to its non-healthcare data processing resource.

Indeed, Ballantyne’s system displays on a screen at a patient care station (PCS) “a simplistic graphical user interface which categorizes the user as a “patient” or as “medical personnel””:

- if the user classifies himself/herself as “medical personnel”, he/she enters his/her unique ID number to further be classified as a nurse or physician, at which point Ballantyne’s system authenticates the nurse/physician to provide him/her with access to any or selected patient record information depending on the nurse/physician’s access privileges (col. 10, lines 10 to 20; col. 8, lines 22 to 52; and Figs. 9A, 9B, 10A and 10B).
- if the user classifies himself/herself as a “patient”, Ballantyne’s system displays on the PCS’s screen “a sub-menu [...] identifying all the services that are available” to the patient, including the “entertainment services” referred to by the Examiner, “*which are selected by a simple numeric designation*” (col. 9, lines 57 to 67; and Fig. 10A, steps 354 to 356). Clearly, this simple selection in no way amounts to controlling access to the “entertainment services”; on the contrary, there is no control on access to the “entertainment services” as the user is free to select any service he/she wants.

On page 14 of the Final Office Action, the Examiner disagrees and states that “Ballantyne teaches patient access to entertainment services in column 10 and teaches controlled access to health care services in column 7-9 [*sic*]”. Thus, the Examiner’s own statement merely states that Ballantyne discloses “access to entertainment services”, but it does not show or assert that Ballantyne discloses controlling this access to entertainment services. This is not surprising since, as discussed above and in the Applicants’ response to the previous Office Action,

Ballantyne's system neither identifies nor authenticates individuals requesting access to its "entertainment services", i.e., it does not control access to its entertainment services.

Accordingly, Drapeau and Ballantyne, whether taken alone or in combination, fail to disclose or suggest at least one feature of claim 1. This failure of the combination of cited references to disclose or suggest all of the claimed features precludes an obviousness rejection. Withdrawal of the rejection of claim 1 is respectfully requested.

Each of claims 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 depends on independent claim 1 and thus incorporates by reference all the features of that independent claim. Thus, for at least the same reasons as those presented above, withdrawal of the rejection of claims 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 is respectfully requested.

In addition to being allowable in view of their dependency on claim 1, claims 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 recite additional features which further distinguish them from the cited art.

For example, as discussed on page 22 of the Applicants' response to the previous Office Action, claim 9 recites that, in one embodiment, "the non-healthcare data processing resources comprise a non-healthcare authentication entity for authenticating users at the delivery points claiming to be non-healthcare users". Neither Drapeau nor Ballantyne discloses such a non-healthcare authentication entity.

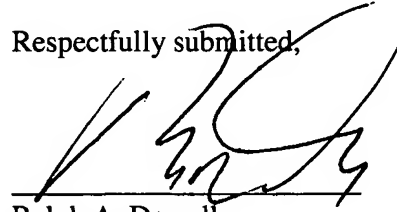
In rejecting claim 9, the Examiner states on pages 5 and 15 of the Final Office Action that "Ballantyne teaches a security screening access process for both patients and physicians [*sic*]" and that "Ballantyne teaches an authentication entity for patients and medical personnel". This is incorrect. Specifically, as discussed on page 22 of the Applicants' response to the previous Office Action, while it does authenticate a user classifying himself/herself as "medical personnel", Ballantyne's system does not authenticate a user classifying himself/herself as a "patient"; rather, Ballantyne's system immediately displays to a user classifying himself/herself as a "patient" a menu allowing the user to freely select services of his/her choice. There is thus no "non-healthcare authentication entity for authenticating users [...] claiming to be non-healthcare users" in Ballantyne's system. For this additional reason, claim 9 further distinguishes from the cited art.

With respect to the Examiner's rejection of claims 3, 4, 7, 10 to 19, 22, 25 to 29 and 41 under 35 U.S.C. 103(a) as being unpatentable over Drapeau in view of Ballantyne and in view of other references, the Applicants respectfully traverse these rejections and submit that these claims are patentable over the cited references for the reasons presented on pages 23 and 24 of the Applicants' response to the previous Office Action.

CONCLUSION

Claims 1 to 41 are believed to be in condition for allowance. Favorable reconsideration is requested. Allowance of the present patent application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. A. Dowell', written over a horizontal line.

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Dated: April 20, 2010

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